

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FOUNDRY NETWORKS, INC.,	)	
a Delaware Corporation,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 06-470-SLR
	)	
ALCATEL USA RESOURCES, INC.	)	
a Delaware Corporation,	)	
ALCATEL INTERNETWORKING, INC.	)	
a California Corporation	)	
COMPAGNIE FINANCIÈRE ALCATEL	)	
a French Corporation, and	)	
ALCATEL S.A.,	)	
a French Corporation,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION  
OF DEFENDANTS ALCATEL AND COMPAGNIE FINANCIÈRE ALCATEL**

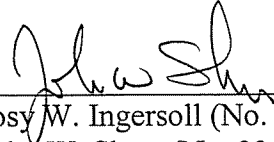
Defendants Alcatel<sup>1</sup> (“Alcatel (France)”) and Compagnie Financière Alcatel (“CFA”) hereby move to dismiss the Amended Complaint of Foundry Networks, Inc. pursuant to FED. R. Civ. P. 12(b)(2). The grounds for this motion are fully set forth in Alcatel (France) and CFA’s Opening Brief in support of their Motion to Dismiss, filed contemporaneously herewith.

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<sup>1</sup> Alcatel’s correct name is “Alcatel”, but is sometimes referred to by others as “Alcatel S.A.” To avoid confusion with the other Defendants, Alcatel will be referred to as “Alcatel (France).”

WHEREFORE, Defendants Alcatel (France) and CFA respectfully request that the Court dismiss the Amended Complaint and grant such other relief to which Defendants are entitled.

Respectfully submitted,



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Dated: October 11, 2006

**CERTIFICATE OF SERVICE**

I, John W. Shaw, Esquire, hereby certify that on October 11, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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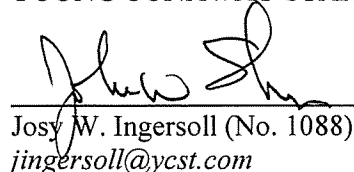
I further certify that on October 11, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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ALCATEL S.A.,	)	
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	)	
Defendants.	)	

**ORDER**

At Wilmington this \_\_\_\_ day of \_\_\_\_\_, 2006, having considered Defendants Alcatel and Compagnie Financière Alcatel's Motion to Dismiss, and the parties' arguments in support of and in opposition to the motion,

IT IS HEREBY ORDERED that Defendants Alcatel and Compagnie Financière Alcatel's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) is GRANTED.

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United States District Judge